

REMARKS

This application has been carefully considered in connection with the Examiner's Final Office Action dated October 28, 2008. Reconsideration and allowance are respectfully requested in view of the following.

Summary of Rejections

Claims 1, 2, 4-12, and 14-26 were pending at the time of the Final Office Action.

Claims 1, 2, 4-12, and 14-26 were rejected under 35 USC § 102.

Summary of Response

Claims 1, 8, 16, and 20 are currently amended.

Claims 27 and 28 are new.

Claims 3 and 13 were previously canceled.

Claims 9-11, 14, 15, 18, 19, and 22-25 remain as originally submitted.

Claims 2, 4-7, 12, 17, 21, and 26 were previously presented.

Remarks and Arguments are provided below.

Summary of Claims Pending

Claims 1, 2, 4-12, and 14-28 are currently pending following this response.

Applicants Initiated Interview

Applicants thank Examiner Thuy Dao and SPE Tuan Dam for their time and consideration of the arguments presented in the personal interview on December 16, 2008. In the interview Applicants discussed the timing of when the resources are being reserved for a project and the significance that the reservation has on subsequent projects. In an effort to advance prosecution, the claims have been amended herein as suggested by SPE Tuan Dam and Examiner Thuy Dao during the interview. A detailed discussion of the differences between the applied art and the claim limitations follows.

Response to Rejections

Miller does not teach reserving resources for a project from a predefined resource capacity for a release and reducing the predefined resource capacity available in the release for subsequent software development projects prior to completing the detailed requirements analysis. Projects are typically placed into releases based on the number of hours estimated to be needed to complete the project, the desired completion date for the project, and the availability of personnel, lab equipment, and other resources in the upcoming releases. Traditionally, a software project was targeted for a particular release only when all of the requirements and costs for the project were definitively determined. That is, cross-organizational impact analysis, scheduling, and packaging of projects into releases did not occur until an analysis phase was complete and the requirements and costs of the project were signed off. This analysis phase can be viewed as being roughly equivalent to a Discover phase in an EDP. When the

analysis phase was complete, the appropriate resources, such as personnel and computing equipment, would be committed for the project based on the complexity of the project. However, at a later stage in the development process, circumstances may change and any of the required resources may not be available and hence a project might have to be rescheduled, redesigned, rescoped, or abandoned, therefore introducing an adverse impact on the business. Accordingly, the pending application reserves resources and capacity in standard releases at a point in the project development lifecycle prior to the point when requirements are definitively set.

A planning department receives estimates from its customers of the time required for proposed projects in the next year. The planning department adds the estimates from all of its customers to get a total amount of work for the year. Those hours are then divided into releases throughout the year. The number and capacity of the releases is determined by the total number of hours and available resources. As projects approach and/or enter the pipeline, they are then assigned to the different releases based on certain reservation criteria such as the projected development cycle, the preliminary test approach as determined in the Feasibility step, the level of effort determined in the Estimation step, network and IT architecture, the type of platform required, the type of lab required, the available resources in the required lab, dependencies with other projects, the available capacity in the target release, and the available workforce in the required areas. The planning department then reserves resources and/or capacity and a target schedule implementation for the project in the appropriate release.

The reserved resources are confirmed at the end of each step in a detailed requirement analysis. The confirmations ensure that the reservation criteria for placing the project in the release, such as available lab resources and available capacity in the release, are still being met. If discrepancies are found between the estimates and the actual progress of the project, the appropriate actions can be taken, such as revising the estimate, sending the project back to the Define phase changing the number of personnel assigned to the project, or using different test equipment. This allows better management of a customer's expectations on delivery times for software projects. It also allows adjustments to be made to projects and/or schedules during the evaluation, analysis, and requirements setting phases of project development. This can prevent the unanticipated adverse impact on project scope, cost, and/or schedule.

Miller is directed to accelerated process improvement framework. (Miller Title). In particular, Miller teaches a method and related system for assisting and expediting an organization's transformation toward higher levels of the Capability Maturity Model (CMM). (Miller Para. [0015]). Miller also discloses organizing, assigning and training an organization's human and physical resources. (Miller Para. [0040]). However, Miller does not teach or suggest reserving resources for a project from predefined resource capacity for a release and reducing the predefined resource capacity available in the release for subsequent software development projects prior to completing a detailed requirements analysis.

This distinction, as well as others, will be discussed in greater detail in the analysis of the pending claims that follows.

Response to Rejections under Section 102**Claim 1:**

Claim 1 was rejected under 35 USC § 102(e) as being anticipated by U.S. Patent Publication No. 2006/0235732 to Miller, et al. (hereinafter "Miller").

I. Miller does not teach or suggest reserving resources for a project from predefined resource capacity for a release and reducing the predefined resource capacity available in the release for subsequent software development projects prior to completing a detailed requirements analysis.

Claim 1 has been amended to clarify that the resources are being reserved from a limited resource capacity available in a release such that once reservation has been made it affects subsequent projects. Claim 1 now, specifically recites "the planning department reserving resources for the software development project from the predefined resource capacity for the release based on the information prior to completing the detailed requirements analysis, wherein reserving resources reduces the predefined resource capacity available in the release for subsequent software development projects." Applicants submit that no new matter has been added and support for the amendments may be found at least in paragraphs [0021], [0025], [0026], and [0032] of the specification.

The Final Office Action relies on paragraphs [0034], [0040], [0055], [0105], and [0115] to teach the reserving of resources before completing the detailed requirements analysis.

Applicants note that paragraph [0055] of Miller teaches a project management process to manage, track, and escalate issues. Paragraph [0105] of Miller teaches a program management step (second component of CMM in a BOX method) that concerns activities directly related to the creation and refinement of a program for implementing the CMM in a BOX method. Applicants submit that these paragraphs do not provide disclosure directed to reserving resources.

Applicants note that paragraph [0115] of Miller discloses analyzing resource requirements then obtaining human and physical resources from participating entities. Paragraph [0040] of Miller teaches obtaining, assigning, and training an organization's human resources and physical resources. In particular, the organization may analyze the resource requirements, obtain human and physical resources from participating entities, assign the resources to projects, and release the resources upon project completion as shown in paragraph [0040] of Miller, reproduced in part below:

During the step 220, the SEPG focuses on obtaining, assigning and training its human resources including installation of tracking tools and document repositories. **This task is performed iteratively** as needed to organize, mobilize and manage SEPG resources **throughout the execution of the project**. ... Turning to FIG. 2C, the first step in organizing the SEPG project resources in step 220 is to refine resource needs, step 221. ... The organization may complete this refining of resource needs in step 221 by: (1) determining project organization structure; (2) balancing a development schedule using human resource guidelines; and (3) refining physical resource needs that were outlined in the logistics, facilities, and tools section of the project plan formed in step 214.

Thus, Applicants submit the Miller teaches iteratively organizing resources throughout the execution of the project. Miller also teaches refining the resource needs from what

was outlined in the project plan. Accordingly, Applicants submit that Miller teaches organizing resources after the project requirements have been refined, and Miller performs these tasks throughout the project execution. Miller does not teach or suggest reserving resources for a release based on the information prior to completing the detailed requirements analysis. Also, Miller does not teach that the resources are reserved from a predefined resource capacity available for a release. Further, Miller does not teach that reserving the resources reduces the predefined resource capacity available in the release to subsequent projects, as claimed.

In contrast the pending application discloses reserving resources for a project from a predefined resource capacity for a release and reducing the predefined resource capacity available in the release for subsequent software development projects prior to completing the detailed requirements analysis (Specification: [0021] and [0026]). As required by claim 1 and further detailed in new dependent claims 27 and 28, because resources are reserved from a finite resource capacity of a release, subsequent projects in the project development pipeline may be impacted by the reservation of resources. For example, if each release has testing lab equipment that can only accommodate five projects at a time, then no more than five projects can be packaged in a release (Specification: [0022]). If a first project reserves the last testing equipment available in a first release then a second subsequent project in the project development pipeline may need to schedule resources from a second subsequent release in order to be able to test the second project. Therefore the schedule of the second project may be delayed with respect to the first project based on the first project scheduling the last

available testing resources in the first release. In other words, the scheduling of resources from a first release for a first project may impact a second project by reducing the available resources in the first release. When the available resources remaining in the first release are less than what is estimated to be needed for the second project, the second project may need to be pushed back to a later release and resources from the later release may be reserved for the second project.

Accordingly, based on the disclosure of Miller discussed above, Applicants submit that Miller does not teach or suggest reserving resources for a project from predefined resource capacity for a release and reducing the predefined resource capacity available in the release for subsequent software development projects prior to completing a detailed requirements analysis.

II. Miller does not teach or suggest that the detailed requirements analysis includes a plurality of steps including one or more of functional requirements modeling, system requirements modeling, and application integration modeling.

Claim 1 specifically recites, "the detailed requirements analysis includes a plurality of steps including one or more of functional requirements modeling, system requirements modeling, and application integration modeling."

The Final Office Action relies on paragraphs [0095], [0206], and [0313] of Miller to teach the claimed detailed requirements analysis.

Applicants note that Miller discloses designing a competency model in paragraph [0095], reproduced in part below:

The organization infrastructure's goal is to allow workers to effectively accomplish their task within the business process so that an

overall goal is met. In step 323, the organization will design a competency model and design roles, jobs, teams and organizational structures. The competency model definition will document the knowledge, skills and other attributes/abilities associated with high performance on a job. ...In designing the competency model in step 324, the organization should group together related competencies to form a competency model.

Applicants submit that Miller teaches that a competency model is a group of related competencies required to perform a career field, such as a team leader. Thus, Applicants submit that Miller teaches a model for grouping skills needed to perform a particular role. Applicants submit that Miller's disclosure of modeling a group of skills is not disclosure of modeling functional, system, or application integration requirements of a project during a detailed requirements analysis.

Applicants note that paragraph [0206] of Miller teaches documenting requirements to ensure bidirectional traceability so that it is possible to trace requirements from the requirements development phase to the testing phase.

Accordingly, Applicants submit that Miller does not teach or suggest a detailed requirements analysis that includes a plurality of steps including one or more of functional requirements modeling, system requirements modeling, and application integration modeling, as claimed.

For at least the reasons established above in sections I and II, Applicants respectfully submit that independent claim 1 is not anticipated by Miller and respectfully request allowance of this claim.

Claims Depending from Claim 1:

Claims 2 and 4-7 were rejected under 35 USC § 102(e) as being anticipated by Miller.

Claims 27 and 28 are newly added by this amendment. Applicants respectfully submit that no new matter has been introduced by this amendment. Support may be found throughout the specification as originally filed, including at least paragraphs [0009], [0021], [0025], [0026], [0032], and the abstract of the specification.

Dependent claims 2 and 4-7 depend directly or indirectly from independent claim 1 and incorporate all of the limitations thereof. Accordingly, for at least the reasons established in sections I and II above, Applicants respectfully submit that claims 2 and 4-7 are not anticipated by Miller and respectfully request allowance of these claims.

Claim 8:

Claim 8 was rejected under 35 USC § 102(e) as being anticipated by Miller.

Independent claim 8 includes limitations substantially similar to the limitations discussed in sections I and II above. For example, claim 8 specifically recites “the further analysis includes a plurality of steps including one or more of functional requirements modeling, system requirements, and application integration modeling; the planning department reserving resources for the project from the predefined resource capacity for the release based on the preliminary information and past experience,

wherein reserving resources reduces the predefined resource capacity available in the release for subsequent projects.” For at least the reasons established above in sections I and II, Applicants respectfully submit that independent claim 8 is not anticipated by Miller and respectfully request allowance of this claim.

Claims Depending from Claim 8:

Claim 9-12, 14 and 15 were rejected under 35 USC § 102(e) as being anticipated by Miller.

Dependent claims 9-12, 14, and 15 depend directly or indirectly from independent claim 8 and incorporate all of the limitations thereof. Accordingly, for at least the reasons established in sections I and II above, Applicants respectfully submit that claims 9-12, 14, and 15 are not anticipated by Miller and respectfully request allowance of these claims.

Claim 16:

Claim 16 was rejected under 35 USC § 102(e) as being anticipated by Miller.

Claim 16 includes limitations substantially similar to the limitations discussed in sections I and II above. For example, claim 16 specifically recites “the Information Technology department reserving resources for the software development project from the predefined resource capacity for the release, wherein reserving resources reduces the predefined resource capacity available in the release for subsequent projects; the Information Technology department modeling in the discover phase at least one

requirement for the project after deciding to proceed to the discover phase, wherein modeling the at least one requirement includes one or more of function requirements modeling, system requirements modeling, and application integration modeling." For at least the reasons established above in sections I and II, Applicants respectfully submit that independent claim 16 is not anticipated by Miller and respectfully request allowance of this claim.

Claims Depending from Claim 16:

Claims 17-19 were rejected under 35 USC § 102(e) as being anticipated by Miller.

Dependent claims 17-19 depend directly or indirectly from independent claim 16 and incorporate all of the limitations thereof. Accordingly, for at least the reasons established in sections I and II above, Applicants respectfully submit that claims 17-19 are not anticipated by Miller and respectfully request allowance of these claims.

Claim 20:

Claim 20 was rejected under 35 USC § 102(e) as being anticipated by Miller.

Claim 20 includes limitations substantially similar to the limitations discussed in sections I and II above. For example, claim 20 specifically recites "reserving capacity for the approved project in a release having sufficient available resource capacity in the initial allocation of capacity of the release, wherein reserving capacity reduces the initial allocation of resource capacity of the release for subsequent projects, and wherein the

detailed analysis includes one or more of functional requirements modeling, system requirements modeling, and application integration modeling." For at least the reasons established above in sections I and II, Applicants respectfully submit that independent claim 20 is not anticipated by Miller and respectfully request allowance of this claim.

Claims Depending from Claim 20:

Claims 21-26 were rejected under 35 USC § 102(e) as being anticipated by Miller.

Dependent claims 21-26 depend directly or indirectly from independent claim 20 and incorporate all of the limitations thereof. Accordingly, for at least the reasons established in sections I and II above, Applicants respectfully submit that claims 21-26 are not anticipated by Miller and respectfully request allowance of these claims.

Conclusion

Applicants respectfully submit that the present application is in condition for allowance for the reasons stated above. If the Examiner has any questions or comments or otherwise feels it would be helpful in expediting the application, he is encouraged to telephone the undersigned at (972) 731-2288.

The Commissioner is hereby authorized to charge payment of any further fees associated with any of the foregoing papers submitted herewith, or to credit any overpayment thereof, to Deposit Account No. 21-0765, Sprint.

Respectfully submitted,

Date: December 26, 2008

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